

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION (JOFOC)

10 U.S.C. 2304(c)(1) FAR 6.302-1

**National Aeronautics and Space Administration
Dryden Flight Research Center
P. O. Box 273
Edwards, California 93523-0273**

1. This document is a justification for other than full and open competition (JOFOC) prepared by the NASA Dryden Flight Research Center.
2. This justification provides the rationale for contracting by other than full and open competition for a modification to extend the Stratospheric Observatory for Infrared Astronomy (SOFIA) Cavity Door Drive System (CDDS) cost plus award fee (CPAF) contract, NND06PS01C, with Woodward MPC, Inc. of Skokie, IL 60077.
3. It is recommended that the Government acquire the goods and/or services via other than full and open competition from Woodward MPC, Inc. (WMPC). This company was known as MPC Products Corporation (MPC) prior to October 2008. The company is referred to in this document as MPC for discussion of actions which took place prior to and including October 2008, and WMPC for discussion of actions post-October 2008.

This procurement is for continuation of performance under existing contract NND06PS01C via contract extension to complete and deliver to NASA the SOFIA CDDS. The period of performance for the anticipated extension is October 1, 2009 through September 15, 2011. The estimated value of this extension is \$2 million.

Detailed Description: The SOFIA Program consists of an airborne observatory platform (a Boeing 747-SP aircraft) carrying a 2.5 meter infrared telescope, as well as other scientific instruments capable of infrared and sub millimeter observations. The SOFIA observatory is being developed by NASA and its partner the DLR (German Aerospace Center). The SOFIA observatory will be the world's largest and most sensitive airborne observatory. The aircraft will operate at a ceiling of 45,000 feet. The telescope will look out of an open cavity in the side of the aircraft and allow astronomers to obtain sharper infrared images than ever before. The Cavity Door Drive System (CDDS), which is the subject of the contract in this matter, opens and closes the door over the telescope cavity. The estimated life of the operational program is 20 years.

The highly unique and complex deliverables under subject contract provide the hardware and software to control the 747SP cavity door position on the ground and during flight. Delivery under this contract includes 2 CDDS ship-sets and subsystem support equipment. One ship-set consists of 2 actuators, a cavity door drive system controller computer, including software, and associated support equipment. The first

ship-set was intended to be a prototype for test and improvement. It has been delivered and tested. During the anticipated extension proposed under this determination, WMPC will provide updates to hardware and software which correct functional integration issues expected during initial SOFIA door-open flight tests. WMPC is to update ship-set one to a fully functional and flight worthy ship-set, and deliver a fully-functional flight-worthy second ship-set with subsystem support equipment.

4. The statutory authority permitting other than full and open competition is 10 U.S.C. 2304 (c) (1), Only One Responsible Source. The Federal Acquisition Regulation (FAR) authority is 6.302-1, Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements. The justification for use of this authority is listed in paragraph 5 below.
5. There is no other source capable of performing this complex effort. WMPC has completed a significant portion of the work. As a result, they are uniquely and intimately familiar with CDDS development and characteristics. The SOFIA project operational costs in 2010 and 2011 are approximately \$1 million per month. Due to the complexities of the SOFIA project, the time needed to gain required knowledge and expertise with a different company would cause unacceptable disruptions, particularly since the CDDS is currently on the program schedule "Critical Path". Any other contractor, selected in a competitive procurement, would need to gain sufficient project knowledge and technical expertise to ensure continued CDDS progress. This would cause a minimum of 2 years delay and would impact the program by at least \$24 million in delay costs alone. Additionally, another contractor would have to engage in an inspection process to determine whether work previously performed by WMPC should be accepted or rejected. It is likely that questions of attribution and possible disputes would arise over the quality of such work, requiring time consuming resolution and settlement.
6. Prior to contract award, the requirement to complete the CDDS was synopsisized in the Commerce Business Daily (FED BIZ OPS) as a sole source procurement; the requirement was posted on August 10, 2006. During the 15-day response time prescribed by FAR 5.203, no other firm (other than MPC) expressed interest in this procurement or otherwise demonstrated capability to perform this effort. Posting of this instant action in accordance with FAR requirements will provide NASA the opportunity to assess if companies have developed subject capabilities since August 2006.

In accordance with the requirements of FAR 6.3, a synopsis of the planned action was published on September 23, 2009. The reason for the late posting is due to a change in authority for this proposed action from "urgent and compelling" to "only one responsible source" ("urgent and compelling" does not require a synopsis to be posted). Once the deadline for responses has passed, this JOFOC will be amended to include the results of the synopsis.

7. The Contracting Officer has determined that the anticipated cost to the Government will be fair and reasonable based on the use of price and cost analysis. Assurance will include requirement of a Government estimate from the Contracting Officer Technical Representative (COTR), to include supporting data; requirement of a complete, accurate and current proposal from WMPC to include basis of estimate and supporting data; field audit support from the Defense Contract Audit Agency (DCAA); and certification of cost or pricing data from WMPC in accordance with FAR 15.403-4. The final modification price will be negotiated in accordance with the procedures in FAR Part 15.8 which will ensure that the ultimate cost to the government is fair and reasonable.
8. As identified in paragraph 6 above, the requirement to complete the CDDS was synopsized in the Commerce Business Daily (FED BIZ OPS) as a sole source procurement on August 10, 2006; no firm expressed interest in this procurement or otherwise demonstrated capability to perform this effort. The requirement for continued support of CDDS development was posted again on September 23, 2009. Additionally, the Consolidated Contract Initiative (CCI) database was searched for potential firms; the search yielded no results.
9. Other facts supporting the use of other than full and open competition: Reference paragraph 5 above.
10. At the time this JOFOC was executed, no responses to the synopsis have been received. Should any responses subsequently be received, the SOFIA Program Office and DFRC Procurement Office will ensure they are adequately addressed. Furthermore, once the deadline for responses has passed, this JOFOC will be amended to include the results of the synopsis.
11. There are no barriers to any potential future competitive action because the Government does not anticipate follow-on production effort after completion of this procurement.

Technical Officer: I certify that the supporting data presented in this justification are accurate and complete.



John Carter, SOFIA Platform Project Manager

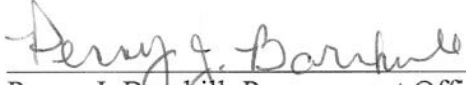
9/24/09
Date

Contracting Officer: I hereby determine that the anticipated cost to the Government will be fair and reasonable and certify that this justification is accurate and complete to the best of my knowledge and belief.




Kari M. Alvarado, Contracting Officer

9/24/09
Date

CONCURRENCE: 

Penny J. Barnhill, Procurement Officer

9/29/09
Date

APPROVED: 

Gwen Young, Dryden Competition Advocate

9/29/09
Date

**JUSTIFICATION FOR OTHER THAN FULL AND OPEN
COMPETITION (JOFOC) No. 140 Amendment 1**

Extend NND06PS01C SOFIA CDDS
10 U.S.C. 2304(c)(1) FAR 6.302-1

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1. Paragraph 6 of JOFOC No. 140 dated September 29, 2009, is deleted in its entirety and replaced with the following:

“Prior to contract award, the requirement to complete the CDDS was synopsisized in the Commerce Business Daily (FED BIZ OPS) as a sole source procurement; the requirement was posted on August 10, 2006. During the 15-day response time prescribed by FAR 5.203, no other firm (other than MPC) expressed interest in this procurement or otherwise demonstrated capability to perform this effort. Posting of this instant action in accordance with FAR requirements allowed NASA the opportunity to assess if companies had developed subject capabilities since August 2006.”

2. Paragraph 10 of JOFOC No. 140 dated September 29, 2009, is deleted in its entirety and replaced with the following:

“The requirement for continued support of CDDS development was posted on FED BIZ OPS September 23, 2009, with responses due by September 30, 2009. No responses were received. Based on this result, NASA concludes that no existing company, with the exception of Woodward MPC, Inc., has the capability or requisite knowledge to meet NASA’s requirement for completion of the CDDS.”

-End of Amendment-



Kari M. Alvarado, Contracting Officer



Date